

Interview Summary

Application No.

09/848,666

Applicant(s)

MASON ET AL.

Examiner

C. Melissa Koslow

Art Unit

1755

All participants (applicant, applicant's representative, PTO personnel):

(1) C. Melissa Koslow.

(3) _____.

(2) M. Kinnaird.

(4) _____.

Date of Interview: 15 September 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: all.

Identification of prior art discussed: all.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed possible amendments to the claims. Mr. Kinnaird stated the main aspect of the inventive polish is that an emulsifier is not necessary. Would amend to exclude emulsifiers. He had wanted to use the phrase "consisting of". Ms. Kolsow suggested "consisting essentially of" since broader, but still excludes emulsifiers. Ms. Kolsow said need to have Mr. Mason's widow sign the response.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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9/13/03

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Official

REFERENCE TO: APPLICATION NO. 09/848,666

DISCUSSION:

The Examiner objects to both the form of the claims as they exist, and the potential conflict with existing art, as taught in Fukushima and/or Budner. It is proposed to substitute the following Claims for the existing Claims 1 - 19, to bring the Application into compliance with patent law, and to preserve the patentability of the core idea, which is that emulsifier-free, solvent-free cleaning and/or polishing compositions are surprisingly easy to make. To summarize the differences between the new Claims and Budner and/or Fukushima:

- Budner and Fukushima require as essential ingredients water and emulsifying agents. The revised Claims, in the spirit of the original Specification, provide cleaning/polishing compositions that specifically do not require the emulsifying agents. It is this surprising find, that the compositions of the instant invention do not require these seemingly-critical ingredients, that it is desired to patent. That is what is desired to be claimed in the revised Claims.
- Fukushima is essentially about oil- or cineole-containing compositions, that due to the presence of the cineole, impart microbial resistance to the treated articles. In no way does Fukushima teach that the oils disclosed in the instant invention will allow the production of emulsifier-free vinegar/oil/wax combination. They are specifically excluded from the teaching of Fukushima, because they do not contain cineole in appreciable quantities.
- Budner specifically lists several ingredients as being critical to his invention, mainly

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- Stearate salts (Col 3, L41) (these are emulsifying agents).
- Stearyl alcohol and/or hydrogenated castor oil (C3L41).

In light of the objections of the Examiner, and in attempt to clarify the Claims, the following types of changes have been made:

- The claims are narrowed to exclude non-natural-origin or drying oils,
- The claims are re-structured to indicate more clearly that oil/wax polishes and oil/wax/vinegar cleaner/polishes are envisioned,
- The claims are restructured to exclude water as an ingredient apart from acetic acid, the purpose of the two being to emulate natural vinegar,
- All references to emulsifying agents have been removed as they are really not necessary, &
- The language of the claims is much more restrictive, changing the most important of the "comprising" portions to "consisting of".

In addition, it has been attempted to clarify the language that the Examiner found objectionable or confusing. It is hoped that these changes will make the Application acceptable to the Examiner.

The proposed revised claims follow.

Thank you for your attention to this matter.

Sincerely yours,

Michael G. Kinnaird

We Claim:

1. Solvent-free polish compositions useful for a wide variety of cleaning and/or polishing operations; said polishing compositions consisting of:
 1. A wax, preferably of natural origin, said wax comprising from about 1 percent by weight ("-%") to about 70 % of the total formulation, and
 2. A non-drying natural-origin oil, said oil comprising from about 20% to about 99% of the formulation, said oil being selected from the group consisting of olive, peanut, rapeseed (canola), coconut, soybean, neatsfoot, sunflower, cottonseed, corn, and mixtures and combinations of these.

"solvent" to be understood to mean volatile solvents typically used in polish compositions, being exemplified by petroleum distillates, paraffinic, olefinic or aromatic hydrocarbon solvents and/or solvent blends, turpentine, d-limonene, or chlorinated solvents.
2. [NEW CLAIM] The composition of Claim 1, further including vinegar or acetic acid diluted with water so as to contain approximately the same amount of acetic acid as a type of vinegar, such that the vinegar or diluted acetic acid comprises from about 0.1% to about 70% of the formulation.
3. The compositions of Claims 1 - 2 wherein the wax is a wax of natural origin, said wax being at least one selected from the group containing beeswax, candelilla wax, carnauba wax, ozokerite wax, ceresine wax, orange wax or any other naturally-derived wax, and/or mixtures or combinations of two or more of these.
4. The compositions of Claims 1 - 2 wherein the wax is a paraffin wax or other synthetic wax or combination of synthetic waxes which wax or combination of synthetic waxes is at least partially soluble in the oil when it is hot.
5. The compositions of Claims 1 - 2 wherein the wax is a blend of at least one natural wax as delineated in Claim 3 and at least one synthetic wax as delineated in Claim 4

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6. The compositions of Claims 1 - 2, wherein the oil is a natural-origin oil, where the glycerin in the oil is at least partially substituted by an alcohol.
7. The composition of Claims 2 - 6 wherein the vinegar is selected from the group consisting of apple cider vinegar, white vinegar, distilled vinegar, wine vinegar, balsamic vinegar, and/or mixtures and combinations of these.
8. The compositions of Claims 1 - 7 wherein the polish further contains a partially or substantially water-soluble salt inorganic compound, being at least one selected from the group which is represented by, but not limited to: sodium chloride, lithium chloride, potassium chloride, calcium chloride, calcium carbonate, calcium bicarbonate, calcium sulfate, magnesium chloride, magnesium carbonate, magnesium sulfate, calcium carbonate, sodium carbonate, sodium bicarbonate, sodium percarbonate, boric acid, sodium borate, sodium perborate, barium chloride, barium carbonate and/or mixtures and/or combinations of these, present in the amount of about 0.1% to about 90 percent by weight of the whole mixture.
9. The compositions of Claims 1 - 8 wherein the polish further contains clay or clays, talc, silica or silicas, alumina, calcium magnesium silicates, garnet, mica or some other insoluble abrasive and/or otherwise insoluble material, and/or mixtures and/or combinations of these, present in the amount of about 0.1% to about 90 percent by weight of the whole mixture.
10. [NEW CLAIM] The composition of Claims 1 - 9 wherein the cleaner/polish further contains preservatives, colorants, taste-induced deterrents, fragrances and/or processing aids.
11. The composition of Claims 1 - 9, wherein the resulting cleaner/polish is useful for cleaning and/or polishing wooden furniture or fixtures, doors and/or doorframes, window sills and frames, and varnished, oiled, treated, coated, painted or unpainted and untreated wood or wood composition surfaces.

12. The composition of Claims 1-9 wherein the resulting cleaner/polish is useful for cleaning and/or polishing wood, parquet, linoleum and other flooring materials on floors including, but not limited to varnished, sealed, coated, painted and/or unfinished wood.
13. The composition of Claims 1-9 wherein the resulting cleaner/polish is useful for cleaning and/or polishing brass, copper, stainless or carbon steel, wrought-, cast- or other forms of iron or other metal and combination metal composition articles, said metal articles to include: door knobs, lock frames, hinges and window frames; window accessories; furniture handles, corner protectors, window frames, cast iron skillets and/or cookware; also including metal on cars and boats.
14. The composition of Claims 1-9 wherein the resulting cleaner/polish is useful for cleaning and/or polishing cars, boats, surfboards, skateboards, motorcycles, bicycles, or skis.
15. A method of cleaning the articles delineated in Claims 1 and 11 - 14, involving contacting said article with the cleaning composition delineated in Claims 1-9 and after a certain efficacious amount of waiting time rubbing, scrubbing, buffing, or otherwise working said article with said composition with a cloth, metal, plastic or other intermediary material or materials, and then essentially leaving on whatever stays on the cleaned and/or polished article.
16. A method of cleaning the articles delineated in Claims 1 and 11 - 14 involving contacting said article with the cleaning composition delineated in Claims 1 - 9 and rubbing, scrubbing, buffing, or otherwise working said article with said composition with a cloth, metal, plastic or other intermediary material or materials, and after an efficacious time of intimate contact, wiping off said composition, optionally with an intermediary solvent such as water, alcohol, or other solvents or solvent combinations or some other cleaning composition, followed by a repeat application or applications of the cleaning/polishing composition of Claims 1-9,

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utilizing the method of Claim 15, or optionally wiping off the excess with a cloth or paper towel.

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